

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

STEVEN E. HAMMER, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-CV-339-FJG
)	
JP’S SOUTHWESTERN FOODS, L.L.C. d/b/a)	
JOSE PEPPER’S BORDER GRILL &)	
CANTINA; and DOES 1 through 10, inclusive,)	
)	
Defendants.)	

DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION *IN LIMINE* NO. 10

Defendant, JP’S Southwestern Foods, L.L.C. (“JP’s”), by and through its attorneys, hereby submits its Response to Plaintiff’s Motion *in limine* No. 10.

1. Plaintiff’s motion seeks to exclude any party or attorney from making statements related to settlement negotiations, offers, claims or positions. JP’s is in agreement with this motion.

2. However, Plaintiff’s motion is contradicted by certain of his deposition designations and trial exhibits whereby he designates communications relating to settlement. (*See, e.g.*, Plaintiff’s Trial Exhibit No. 54).

WHEREFORE, Defendant, JP's Southwestern Foods, L.L.C., respectfully requests this Honorable Court grant Plaintiff's Motion *in limine* No. 10.

Dated: July 27, 2010

JP'S SOUTHWESTERN FOODS, L.L.C. d/b/a
JOSE PEPPER'S BORDER GRILL & CANTINA

By: /s/Joe Gagnon
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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